

Message

From: Hewitt, James [hewitt.james@epa.gov]
Sent: 10/9/2020 2:36:13 PM
To: Block, Molly [block.molly@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]
CC: Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Irving, John [Irving.John@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Shiffman, Cari [Shiffman.Cari@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Branning, Hannah [Branning.Hannah@epa.gov]
Subject: RE: New York Times reporter has a question about a new paper claiming environmental prosecutions are way down

Looks good.

From: Block, Molly <block.molly@epa.gov>
Sent: Friday, October 9, 2020 10:34 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hewitt, James <hewitt.james@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Branning, Hannah <Branning.Hannah@epa.gov>
Subject: Re: New York Times reporter has a question about a new paper claiming environmental prosecutions are way down

+ Hewitt

Sent from my iPhone

On Oct 9, 2020, at 10:31 AM, Bodine, Susan <bodine.susan@epa.gov> wrote:

- **Draft Response:** The data reported by Professor Uhlmann on completed criminal cases are a reflection of cases initiated in earlier years. Contrary to the picture described by some critics, EPA has reinvigorated its criminal enforcement program. Since 2017, EPA has hired new agents and in FY2018 we reversed the downward trend in new cases opened that began after FY2011. For example, the number of criminal cases opened increased 48 percent between FY 2017 and FY 2019, and we expect the number of new cases opened in FY 2020 to be more than double the number opened in FY 2017.

Background:

- We opened 116 new cases in FY 2017, 131 new cases in FY 2018, and 170 new cases in FY 2019, about a 46% increase compared to FY 2017. When we release our final, QAQC'd numbers for FY 2020, we will have more than doubled the number of new cases opened compared to FY 2017.
- Without counting fines from the Volkswagen case, EPA has collected more in criminal fines and restitution [\$323 million] than were collected in the first four years of the prior administration [\$233 million]. Further, by the end of President Trump's first term, EPA expects to collect more than triple in fines and restitution than were collected in President Obama's first term, again without counting the Volkswagen case.

From: Block, Molly <block.molly@epa.gov>

Sent: Thursday, October 8, 2020 4:11 PM

To: Tran, Victoria <tran.victoria@epa.gov>; Irving, John <Irving.John@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Molina, Michael <molina.michael@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>

Cc: Hewitt, James <hewitt.james@epa.gov>

Subject: FW: New York Times reporter has a question about a new paper claiming environmental prosecutions are way down

Please see below. we have stats to refute this correct?

From: John Schwartz <jswat@nytimes.com>

Sent: Thursday, October 8, 2020 4:07 PM

To: Press <Press@epa.gov>

Subject: New York Times reporter has a question about a new paper claiming environmental prosecutions are way down

Helo, it's John Schwartz, over at the NYT. I am planning to write about a new paper by David Uhlmann at the University of Michigan that suggests that criminal prosecutions of environmental crime have plummeted. It states: "The data, which now includes 14 years of cases from 2005–2018, shows a 70 percent decrease in Clean Water Act prosecutions under President Trump, as well as a more than 50 percent decrease in Clean Air Act prosecutions."

I've attached his paper; is this something I could comment on? I expect to finish writing the story tomorrow, and would appreciate your response by the end of the day or early tomorrow.

best wishes,

John Schwartz

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John Schwartz

The New York Times

twitter.com/jswatz

Telephone: 212 556 7353

My new book: "This Is the Year I Put my Financial Life in Order"

Speaking only for myself since 1957